

APPEAL NO. 042565  
FILED DECEMBER 3, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 30, 2004. The hearing officer determined that the appellant's (claimant) compensable injury on \_\_\_\_\_, does extend to right inguinal hernia but not to an umbilical hernia. The claimant appealed the determination based on sufficiency of the evidence grounds. The respondent (carrier) responded, urging affirmance.

DECISION

A timely appeal not having been filed, the decision and order of the hearing officer have become final pursuant to Section 410.169.

A request for appeal is timely if it is mailed on or before the 15th day after the appellant receives the hearing officer's decision and if it is received by the Texas Workers' Compensation Commission (Commission) on or before the 20th day after the date of receipt of the hearing officer's decision. Section 410.202; Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 143.3(e) (Rule 143.3(e)). Records of the Commission show that the hearing officer's decision was mailed to the parties on September 15, 2004. Under Rule 102.5(d), unless the great weight of evidence indicates otherwise, the claimant is deemed to have received the hearing officer's decision five days after it was mailed; in this case deemed receipt is September 20, 2004. The claimant does not state in his appeal when he received the hearing officer's decision. The 15th day after the deemed date of receipt of September 20, 2004, excluding Saturdays and Sundays and holidays listed in Section 662.003 of the Texas Government Code, was October 11, 2004. The claimant's appeal was mailed to the Commission on October 12, 2004, and received by the Commission on October 15, 2004. The claimant's appeal was not timely filed with the Commission.

The decision of the hearing officer is final in the absence of a timely appeal. Section 410.169. Determining that the appeal was not timely filed, as set forth above, we have no jurisdiction to review the hearing officer's decision.

The true corporate name of the insurance carrier is **FEDERATED SERVICE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSS LARSEN  
FEDERATED INSURANCE COMPANY  
860 AIRPORT FREEWAY WEST, SUITE 500  
HURST, TEXAS 75054-3286.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Robert W. Potts  
Appeals Judge

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Margaret L. Turner  
Appeals Judge